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INFO RUEHLGB/AMEMBASSY KIGALI PRIORITY 0995  
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 1070  
RUCNDT/USMISSION USUN NEW YORK PRIORITY

UNCLAS DAR ES SALAAM 001062

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S/WCI FOR AMBASSADOR WILLIAMSON AND BRENDAN DOHERTY; AF/E  
FOR BARBARA YODER AND RACHEL MEYERS

E.O. 12958: N/A  
TAGS: PREL PHUM RW TZ  
SUBJECT: ACTION REQUEST REGARDING ICTR CHIEF OF APPEALS

¶1. (SBU) This is an action request. See paragraph 7. Barbara Mulvaney, Senior Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR) and US citizen, requests USG support for her candidacy for the position of Chief of Appeals at the ICTR.

¶2. (U) Mulvaney believes she is qualified for the position, having served as a prosecutor for more than 25 years, worked in all aspects of criminal law including appeals, and ran the multi-defendant 'Bagasoro' case which involved 390 written decisions.

¶3. (U) Mulvaney is included on the roster of qualified candidates for Chief of Appeals which is presented to the Registrar of the ICTR who selects the candidate for the position. According to Mulvaney, the United Nations' gender policy requires that a qualified woman candidate must be selected over a qualified man. Mulvaney said she is the only female candidate with UN experience.

¶4. (SBU) Despite her qualifications, her position on the roster, and the UN gender policy, Mulvaney suspects she may not be selected. Mulvaney told Poloff July 24 that another candidate, Neville Weston from Australia, recently was promoted over "a more competent woman" specifically so he would be eligible for the Chief of Appeals position. Mulvaney added that within the last few weeks, ICTR changed its policy requiring an individual to serve in one position for a certain period of time before being eligible for a promotion, clearing the way for Weston to be promoted to Chief of Appeal. These events lead Mulvaney to conclude Weston is "the chosen one."

¶5. (SBU) Mulvaney noted two examples of hiring decisions at the ICTR that did not follow established policy. The current Chief of Appeals, James Stewart, was appointed without a roster. Former Chief of Prosecution Stephen Rapp was appointed despite Mulvaney and Silvana Arbia, two qualified female candidates, appearing on the same roster. Mulvaney added "I always think positions should be based on merit, but in the UN system that is a rare event."

¶6. (SBU) Following Rapp's departure from ICTR in 2006, Arbia was appointed Chief of Prosecutions on June 7, 2007. Mulvaney agrees Arbia is qualified and considers her a friend, but noted "lobbying by the Italians was over the top; it was amazing to see the Italians at work." Accordingly, Mulvaney believes USG support will be critical for her candidacy for Chief of Appeals.

¶7. (U) While the Registrar does not have a required deadline for naming the Chief of Appeals, Mulvaney believes

the position will be filled in the next few weeks. Stewart has resigned the position effective July 31, 2007, and Mulvaney believes the Registrar will not want the position vacant for long. Accordingly, Post requests guidance regarding Barbara Mulvaney's request for support of her candidacy for Chief of Appeals of the ICTR.

RETZER